

REPUBLIC OF THE CONGO (Tier 2)

The Government of the Republic of the Congo does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity; therefore the Republic of the Congo remained on Tier 2. These efforts included finalizing an updated national action plan (NAP) for the Ministry of Social Affairs (MSA) for 2022-2023, initiating investigations of trafficking cases, and providing care to the majority of identified victims. The government also identified potential victims among the Indigenous population in Betou. However, the government did not meet the minimum standards in several key areas. The government did not screen proactively for trafficking among vulnerable populations and did not report identifying any victims during the reporting period. The government did not take any proactive measures to address official complicity. The lack of a standardized and centralized filing system for hard copy trafficking case dossiers continued to create a backlog in court cases and hinder countrywide efforts.

PRIORITIZED RECOMMENDATIONS: Increase efforts to investigate, prosecute, and convict traffickers, including officials complicit in trafficking, and impose adequate penalties. * Train officials, NGOs, and civil society on implementing regulations to identify trafficking victims proactively, including by screening for trafficking indicators, especially among vulnerable populations, including child laborers, women and girls exploited in commercial sex, unaccompanied children, Indigenous persons, undocumented migrants, and Democratic People's Republic of Korea (DPRK) workers. * Improve the provision of protective services to trafficking victims to provide appropriate care to victims nationwide. * While respecting due process, expedite hearings and consider prosecuting trafficking cases in the low court, while maintaining stringent sentencing according to the country's anti-trafficking law. * Increase anti-trafficking training for all law enforcement, prosecutors, and judges. * Increase law enforcement and first responders' capacity to collect data on trafficking. * Further expand anti-trafficking efforts to identify victims and prosecute traffickers beyond Pointe-Noire and Brazzaville. * Finalize and implement the interagency NAP to combat trafficking in persons and dedicate resources to support its implementation. * Formally establish the inter-ministerial anti-trafficking task force and designate an office to lead the government's anti-trafficking efforts. * Bolster anti-trafficking law enforcement cooperation with other governments in the region, especially Benin and the Democratic Republic of the Congo (DRC). * Conduct awareness campaigns for government officials and the public. * Accede to the UN Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol.

PROSECUTION

The government maintained overall anti-trafficking law enforcement efforts. The 2019 Combating Trafficking in Persons Law criminalized sex trafficking and labor trafficking. The related provisions in Congolese criminal law prescribed penalties of five to 10 years' imprisonment, which are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other grave crimes, such as kidnapping.

Following referral from an NGO, the government reported initiating investigations of five new suspected trafficking cases involving seven alleged traffickers, compared with zero investigations in the previous reporting period. The government reported one new prosecution, compared with six

prosecutions in the previous reporting period, and one conviction for labor trafficking with a sentence of three years in prison, compared with four convictions in the previous reporting period. Due to the pandemic, some traffickers convicted previously were released from prison for medical reasons. The MSA identified four cases of alleged forced labor in Betou, in the north of the country, as part of the first child labor trafficking survey conducted in the region, which resulted in the arrest of one individual. Illicit recruiters frequently operated from other West African countries, and Congolese officials did not report taking significant actions to hold domestic criminals accountable for exploiting victims within the country.

Authorities continued an investigation into a 2020 allegation of judicial corruption in a trafficking case. The government did not report initiating any new investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. Low-level corruption and limited intragovernmental coordination constrained officials' ability to investigate, prosecute, and convict suspected traffickers, inhibiting law enforcement action during the year. The court system remained dysfunctional, and many criminal cases continued to languish due to significant backlogs in the high court as a result of irregular court sessions, lack of centralized record keeping, limited legal statistics, and pandemic-related court closures and restrictions on in-person meetings, which have since been lifted.

The government continued to include anti-trafficking training in the standard academy training for new police and immigration officers. The government regularly coordinated with source countries including Benin, the Central African Republic (CAR), the DRC, and Cameroon, to share law enforcement information. The government did not report extraditing any suspects during the reporting period.

PROTECTION

The government maintained inadequate efforts to protect victims. For the second consecutive year, officials did not report identifying any victims. A local NGO identified 11 potential Beninese victims (five adults and six children) in 2021. A government-funded NGO provided shelter and psychosocial services to nine victims. The MSA reported identifying potential trafficking victims among the Indigenous population in Betou, in the north of the country, and provided basic humanitarian assistance. A government-run center in the Moungali neighborhood of Brazzaville could provide victims water, food, clothes, education, security, and psycho-social counseling; however, authorities did not report assisting any trafficking victims at this shelter during the reporting period.

The government's implementing regulations for the anti-trafficking law provided formal written procedures for proactive victim identification, although officials did not report using these procedures to identify any victims. In Pointe-Noire, the government continued to focus the majority of its efforts on West African children in forced labor, including those in domestic service. Congolese authorities signed a bilateral agreement with the DRC government to fully implement and formalize anti-trafficking efforts in December 2021. In past reporting periods, law enforcement generally assisted in removing victims from NGO-identified exploitative situations if the NGO could provide funding for transportation. Police did not report screening DPRK workers for indicators of sex trafficking. Instead, the government traditionally relied on NGOs and international organizations to assist with the identification, referral, assistance, investigation, and negotiation of compensation

for the majority of trafficking victims. The government did not fund these NGOs despite relying heavily on their victim assistance programs and services. Observers noted that child trafficking victims often did not go to school, lacked basic amenities including food and healthcare, and were at risk of sexual assault.

The Trafficking in Persons Coordinating Committee in Pointe-Noire, which was responsible for assigning identified West African child trafficking victims to foster homes and conducting family tracing, did not report the number of trafficking victims referred to the five available foster families or funding the foster homes. The government continued to fund three public shelters that at-risk victims, including child trafficking victims, could access. The government provided the same availability of care to both national and foreign victims and provided temporary residency status to foreign trafficking victims during judicial proceedings. Authorities provided foreign adult trafficking victims a choice between repatriation to their country of origin or reintegration into the local community. Congolese law did not provide legal alternatives to the removal of trafficking victims to countries where they would face retribution or hardship.

PREVENTION

The government marginally increased efforts to prevent trafficking. Despite pandemic restrictions on in-person meetings, the government's federal inter-ministerial committee convened two times during the reporting period, compared with four meetings during the previous reporting period. The MSA finalized a NAP to inform its anti-trafficking efforts. In October 2021, the government drafted and disseminated for comment a new interagency NAP for 2022-2023; the action plan remained pending at the end of the reporting period. While the government drafted and distributed for review an executive order to legally establish an inter-ministerial task force, it remained without a national entity to lead the government's efforts, which continued to hinder the effectiveness of the country's anti-trafficking response. Officials held public awareness campaigns in northern cities, targeting Indigenous populations at a higher risk of trafficking. The Ministry of Social Affairs drafted and distributed for review an executive order that would legally establish a permanent inter-ministerial task force.

The government operated an emergency assistance hotline for victims of crime; however, officials did not report whether it received any calls related to human trafficking during the reporting period. The government did not have effective laws or policies regulating labor recruiters. Additionally, officials coordinated with the Government of Benin to implement the countries' 2011 bilateral anti-trafficking agreement. The government has signed but not acceded to the Convention Against Transnational Organized Crime and the 2000 UN TIP Protocol. Although officials did not report any working-level meetings on new repatriation with the Beninese government, the newly appointed MSA minister met twice with Beninese counterparts during the reporting period. The government made some efforts to reduce the demand for commercial sex acts. The government did not provide anti-trafficking training to its diplomats.

TRAFFICKING PROFILE: As reported over the past five years, human traffickers exploit domestic and foreign victims in the Republic of the Congo, and traffickers exploit victims from the Republic of the Congo abroad. Forced labor involving adults and children continues to be the primary type of trafficking within the Congo. Most trafficking victims in the Congo originate from Benin and the DRC and, to a lesser extent, from Gabon and other neighboring countries. Beninese

networks with representatives in the Congo target destitute families in their country of origin, promising parents they will provide children an education in the Congo before exploiting them in domestic servitude or sex trafficking. Congolese authorities and civil society representatives report fraudulent employment agents located in Benin, CAR, the DRC, and Gabon recruit victims into exploitative conditions in the Congo. Foreign business owners and Congolese exploit most foreign victims in forced labor in domestic service, market vending, and the fishing sector. Some hotel owners and other criminal actors exploit adults and children, including both girls and boys, in commercial sex in the Congo, with the most common victims being Congolese from the DRC. Parents in foreign countries, mostly West African countries, sometimes send their children to the Congo with the expectation that the child will send remittances or receive an education, but instead criminals exploit the children in sex trafficking or forced labor. Experts report COVID-19-related economic hardships during the reporting period increased the vulnerability of individuals working in the informal sector, although border closures beginning in March 2020 may have decreased cross-border trafficking in persons.

Internal trafficking primarily involves recruitment from remote rural areas for exploitation in cities. Individuals in the fishing industry and market shop owners were the primary exploiters of victims within the country. Traffickers – including members of the majority Bantu community – exploit some members of the Indigenous populations for forced labor in the agricultural sector, with Indigenous persons being the majority of internal trafficking victims in the country; reports suggest that some servitude involving Congolese might be hereditary. DPRK nationals working in the Republic of the Congo may have been forced to work by the DPRK government.